

REMARKS

Initial Matters – Consideration of References Cited by Applicants

Applicants note that the Examiner has not fully considered the references cited in the Information Disclosure Statement (IDS) filed on May 30, 2008. Specifically, the Examiner included a copy of the PTO Form 1449 indicating that all the US patent and applications were considered. The Examiner, however, lined through nearly all the foreign and non-patent literature references, copies of which were duly provided to the Examiner. In addition, the Examiner did not provide to Applicants any specific deficiencies that made it impossible for the Examiner to consider the cited. Applicants respectfully request that the Examiner properly consider the references cited in the IDS of May 30, 2008 by initialing the remaining references PTO Form 1449 and return the form to Applicants in the next communication.

Response to Claim Rejections

Claims 1, 10-28, and 30-45 are pending in this application and are finally rejected under § 103. Applicant respectfully traverses the rejections.

Independent claims 1, 27, 31, 33, 34, 36, 38, and 39 are directed to a unique and particularly innovative mechanism for restricting access to television programs. While in a master mode of operation, a controlling authority (e.g., a parent) is allowed to select “one or more programs” that can be accessed by a user operating in a second mode (e.g., a babysitting mode). Once the programs are selected, the user in the second mode is permitted to access only the selected programs to the exclusion of all other programs being telecast without providing a password. (See, e.g., Figure 33 of Applicants’ specification).

The claimed invention is patentable over Knee and West because the combination of Knee and West does not show restricting access to a specifically selected set of *programs*, to the exclusion of all other programs. The Action contends that Knee describes such a restriction in column 27, line 56 to column 29, line 47, and column 30, lines 50-67 (office action, page 3). Applicants respectfully disagree.

The cited sections of Knee describe a channel preference list created by “select[ing] a particular list of **channels**” and limiting the tuning of a television receiver to only those channels. (Knee, column 27, line 55 to column 28, line 5, emphasis added). In contrast, Applicants’ approach allows a user to select specific programs, to the exclusion of all others. Selecting a channel (in Knee) is very different from selecting specific programs; in fact the two approaches are geared toward quite different uses. Knee’s preference list is suitable when a user wholly approves or disapproves of programs on a particular channel. However, in Knee’s preference list, unlike in Applicants’ approach, a user cannot select specific programs that can be viewed in a particular mode, to the exclusion of all other programs. Therefore, the channel preference list of Knee is unsuitable when a user desires more fine-grained control, such as when a user wishes to allow only specific programs on a channel to the exclusion of other programs on the same channel. Moreover, since some programs may be broadcast on multiple channels, a user that wishes to exclude multi-channel programs using Knee’s channel preference list must ensure that none of the selected channels on the preference list includes that particular program. But even this is of limited use since the user does not control future programs that may be added to the channel lineup. Other blocking mechanisms (e.g., blocking programs having a certain rating, by time, etc), also suffer from similar deficiencies because they allow the user to specify what programs are excluded, not what programs are expressly permitted. Applicants’ approach does not suffer from such a deficiency, as it allows the user in a master mode to select a positive set of allowed programs, which can be accessed to the exclusion of other programs.

West, which is cited by the Examiner for its purported teachings regarding other features in the independent claims, does not make up for the lack of teaching in Knee. West describes a time monitoring routine that limits the amount of television a particular user may watch, and an exceptions list that allows to block programs by channel and time. Like Knee, West does not allow a user to select one or more programs that can be accessed by a user to the exclusion of all other programs. Therefore, combining Knee and West will not result in Applicants’ claimed approach.

For at least the foregoing reasons, Knee and West do not show each element of independent claims 1, 27, 31, 33, 34, 36, 38, and 39. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection of these claims. Dependent claims 10-26, 28-30, 32, 35, 37, 40, 41-

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43, 44, and 45 are also patentable because the obviousness of the independent claims has not been established. MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1071, (Fed. Cir. 1988)).

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-1075, under Order No. 004033-0080.

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Respectfully submitted,

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